

AMENDED IN ASSEMBLY JUNE 21, 2006

AMENDED IN SENATE MAY 1, 2006

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1476**

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**Introduced by Senator Figueroa**

February 23, 2006

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An act to amend Sections 30, 473.15, 1742, 2460, 2570.4, 2570.19, 2602, 2668, 2701, 2708, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3516.1, 3685, 3710, 3716, 3765, 4001, 4003, 4034, 4163, 4169, 4200.1, 4800, 4804.5, 4928, 4934, 4990.1, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 5810, 6704, 6710, 6712, 6714, 6716, 6726.2, 6730, 6732.3, 6738, 6740, 6750, 6753, 6754, 6787, 7000.5, 7011, 7200, 7215.6, 7810, 7815.5, and 8000-8000, 8710, 8729, 8740, and 8745 of, to add ~~Section 2660.5~~ Sections 2660.5, 6732.5, and 6746.1 to, and to repeal Section 4163.5 of, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1476, as amended, Figueroa. Professions and vocations.

(1) *Existing law regulates various professions and vocations by various boards within the Department of Consumer Affairs. Existing law requires those boards, and the State Bar of California and the Department of Real Estate, to require a licensee, at the time of issuance or renewal of a license, to provide the licensee's federal employer identification number, if the licensee is a partnership, or his or her social security number. Existing*

*This bill would instead impose that requirement only when a license is issued.*

(2) *Existing law, the Dental Practice Act, provides for the licensing and regulation of dental auxiliaries by the Committee on Dental Auxiliaries. This provision Existing law provides for the licensure and regulation of psychologists by the Board of Psychology, requires the board to employ necessary personnel, and authorizes the board to employ an executive officer. Existing law provides for the licensure and regulation of acupuncturists by the Acupuncture Board and requires the board to employ necessary personnel, including an executive officer. Existing law provides for the licensure and regulation of the practice of behavioral health by the Board of Behavioral Sciences and authorizes the board to appoint an executive officer. Existing law provides for the licensure and regulation of geologists and geophysicists by the Board for Geologists and Geophysicists and for the licensure and regulation of court reporters by the Court Reporters Board of California. Existing law provides for the licensure and regulation of contractors by the Contractors' License Board. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.*

*This bill would instead make ~~this provision~~ these provisions inoperative on July 1, 2009, and would repeal ~~it~~ them on January 1, 2010.*

(2)

(3) Existing law provides for the licensing and regulation of podiatrists by the California Board of Podiatric Medicine, within the jurisdiction of the Medical Board of California. *Existing law provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, in the Department of Consumer Affairs, and requires the board to appoint an executive officer. Existing law provides for the licensure and regulation of optometrists by the State Board of Optometry, in the Department of Consumer Affairs, and authorizes the board to appoint an executive officer.* These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

(3)

(4) Existing law, the Occupational Therapy Practice Act, provides for the licensing and regulation of occupational therapists and the certification and regulation of occupational therapy assistants by the California Board of Occupational Therapy. These provisions will

become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make these provisions inoperative on July 1, 2013, and would repeal them on January 1, 2014.

Existing law exempts certain persons from the requirements of the act, including a licensee from a state with commensurately stringent requirements, if the services are performed for less than 45 days in a calendar year and are performed in association with an occupational therapist licensed under the act.

This bill would instead require a licensee from a state with commensurately stringent requirements to have filed with the board an application for licensure as an occupational therapist or certified occupational therapy assistant and would require that his or her services be performed for no more than 60 days from the date on which the application is filed. The bill would delete the requirement that the services be performed in association with an occupational therapist licensed in the state.

(4)

(5) Existing law provides for the licensure and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. These provisions will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make these provisions inoperative on July 1, 2013, and would repeal them on January 1, 2014.

Existing law provides for a diversion program for the rehabilitation of physical therapists and physical therapist assistants abusing drugs or alcohol, and authorizes the board to charge a fee of up to \$100 for participation in the program. Existing law requires persons convicted of certain sex offenses to register as sex offenders, as specified.

This bill would change the fee for participation in the diversion program to the amount necessary to cover the actual cost of administering the program. Because this bill could increase the fee revenue deposited into the Physical Therapy Fund, a continuously appropriated fund, the bill would make an appropriation. The bill would also require the board to deny licensure as a physical therapist or approval as a physical therapist assistant if the applicant is required to register as a sex offender, unless the registration is required as a result of a misdemeanor conviction for indecent exposure.

~~(5) Existing law provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, in the~~

Department of Consumer Affairs, and requires the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

~~(6) Existing law provides for the licensing and regulation of psychologists by the Board of Psychology. Existing law requires the board to employ necessary personnel, and authorizes the board to employ an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.~~

This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

~~(7) Existing law provides for the licensure and regulation of optometrists by the State Board of Optometry, in the Department of Consumer Affairs, and authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.~~

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

~~(8)~~

(6) Existing law provides for the licensure and regulation of physician assistants by the Physician Assistant Committee of the Medical Board of California. Existing law requires the committee to employ necessary personnel, including an executive officer. Existing law prohibits a physician who provides services in a medically underserved area from supervising more than 4 physician assistants at one time. *Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind that licenses schools for the training of guide dogs for the blind. Existing law also establishes a pilot project for the arbitration of disputes between guide dog users and guide schools relating to the continued physical custody and use of the guide dog when the dog user is not the legal owner of the dog.* All of these provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

~~(9)~~

(7) Existing law, The Naturopathic Doctors Act, provides for the licensure and regulation of the practice of naturopathic medicine, and establishes the Bureau of Naturopathic Medicine, in the Department of

Consumer Affairs, which is responsible for the administration of the act. A violation of certain provisions of the act is a crime. The act will become inoperative on July 1, 2009, and will be repealed on January 1, 2010.

This bill would instead make the act inoperative on July 1, 2010, and would repeal it on January 1, 2011.

Because this bill would extend the application of certain provisions, the violation of which would be a crime, it would impose a state-mandated local program.

(10)

(8) Existing law, *the Respiratory Care Practice Act*, provides for the licensure and regulation of respiratory professionals by the Respiratory Care Board of California, and authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

*Existing law defines the practice of respiratory therapy, and prohibits its practice without a license issued by the board, subject to certain exceptions.*

*This bill would specify that a person employed by a home medical device retail facility or a licensed home health agency is not prohibited by the act from performing respiratory care or related services authorized by the board.*

(11)

(9) Existing law, the Pharmacy Law, provides for the licensure and regulation of the practice of pharmacy and the sale of dangerous drugs or dangerous devices by the California State Board of Pharmacy, in the Department of Consumer Affairs. Existing law authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

On and after January 1, 2007, existing law prohibits a wholesaler or pharmacy from selling, trading, or transferring a dangerous drug without a pedigree, as defined, and prohibits a wholesaler or pharmacy from acquiring a dangerous drug without receiving a pedigree, unless the compliance date is extended. Existing law authorizes the board to extend the compliance date to January 1, 2008, in specified circumstances.

This bill would instead impose the prohibition against selling, trading, transferring, or acquiring a dangerous drug without a pedigree on January 1, 2008, and would make other conforming changes.

(12)

(10) Existing law provides for the licensure and regulation of veterinarians by the Veterinary Medical Board in the Department of Consumer Affairs, and authorizes the board to appoint an executive officer. *Existing law provides for the licensure and regulation of architects by the California Architects Board and authorizes the board to appoint an executive officer. Existing law provides for the creation of the Landscape Architects Technical Committee to assist the board with specified functions.* These provisions will become inoperative on July 1, 2009, and will be repealed on January 1, 2010.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

~~(13) Existing law provides for the licensure and regulation of acupuncturists by the Acupuncture Board and requires the board to employ necessary personnel, including an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.~~

This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

~~(14) Existing law provides for the licensure and regulation of the practice of behavioral health by the Board of Behavioral Sciences, in the Department of Consumer Affairs, and authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will repeal them on January 1, 2009.~~

This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

~~(15) Existing law provides for the licensure and regulation of architects by the California Architects Board, and provides for the creation of the Landscape Architects Technical Committee to assist the board with specified functions. Existing law authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2009, and will be repealed on January 1, 2010.~~

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(16)

(11) *Existing law provides for a certification process for interior designers, and repeals those provisions on January 1, 2008. Existing*

*This bill would instead repeal those provisions on January 1, 2010.*

(12) Existing law provides for the licensure and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors, in the Department of Consumer Affairs. Existing law requires the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012. *The bill would change the date on which board member terms expire. The bill would revise certain voting requirements for actions taken by the board. The bill would revise provisions relating to the use of a person's name in the name of an engineering business or a land surveying business. The bill would require all businesses engaged in civil, electrical, or mechanical engineering services to file a current organization record with the board.*

Existing law authorizes the board to give one year of credit as qualifying experience for a postgraduate degree in a school of engineering.

*This bill would instead authorize the board to give up to 5 years of credit as qualifying experience. The bill would authorize the board to make arrangements with an organization to conduct examinations for licensure. The bill would revise other related provisions and make technical changes.*

~~(17) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which licenses schools for the training of guide dogs for the blind. Existing law also establishes a pilot project for the arbitration of disputes between guide dog users and guide schools relating to the continued physical custody and use of the guide dog when the dog user is not the legal owner of the dog. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.~~

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

~~(18) Existing law provides for the licensure and regulation of geologists and geophysicists by the Board for Geologists and Geophysicists, subject to the jurisdiction of the Department of Consumer Affairs. Existing law authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.~~

~~This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.~~

~~(19) Existing law provides for the licensure and regulation of court reporters by the Court Reporters Board of California, in the Department of Consumer Affairs. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.~~

~~This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.~~

~~(20)~~

~~(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 30 of the Business and Professions Code  
2     is amended to read:

3     30. (a) Notwithstanding any other provision of law, any  
4     board, as defined in Section 22, and the State Bar and the  
5     Department of Real Estate shall at the time of issuance ~~or~~  
6     renewal of the license require that ~~any~~ *the* licensee provide its  
7     federal employer identification number, if the licensee is a  
8     partnership, or his or her social security number for all others.

9     (b) Any licensee failing to provide the federal identification  
10    number or social security number shall be reported by the  
11    licensing board to the Franchise Tax Board and, if failing to  
12    provide after notification pursuant to paragraph (1) of  
13    subdivision (b) of Section 19528 of the Revenue and Taxation  
14    Code, shall be subject to the penalty provided in paragraph (2) of  
15    subdivision (b) of Section 19528 of the Revenue and Taxation  
16    Code.

17    (c) In addition to the penalty specified in subdivision (b), a  
18    licensing board may not process any application for an original  
19    license ~~or for renewal of a license~~ unless the applicant or licensee



1 provides its federal employer identification number or social  
2 security number where requested on the application.

3 (d) A licensing board shall, upon request of the Franchise Tax  
4 Board, furnish to the Franchise Tax Board the following  
5 information with respect to every licensee:

6 (1) Name.

7 (2) Address or addresses of record.

8 (3) Federal employer identification number if the entity is a  
9 partnership or social security number for all others.

10 (4) Type of license.

11 (5) Effective date of license or a renewal.

12 (6) Expiration date of license.

13 (7) Whether license is active or inactive, if known.

14 (8) Whether license is new or a renewal.

15 (e) For the purposes of this section:

16 (1) "Licensee" means any entity, other than a corporation,  
17 authorized by a license, certificate, registration, or other means to  
18 engage in a business or profession regulated by this code or  
19 referred to in Section 1000 or 3600.

20 (2) "License" includes a certificate, registration, or any other  
21 authorization needed to engage in a business or profession  
22 regulated by this code or referred to in Section 1000 or 3600.

23 (3) "Licensing board" means any board, as defined in Section  
24 22, the State Bar, and the Department of Real Estate.

25 (f) The reports required under this section shall be filed on  
26 magnetic media or in other machine-readable form, according to  
27 standards furnished by the Franchise Tax Board.

28 (g) Licensing boards shall provide to the Franchise Tax Board  
29 the information required by this section at a time that the  
30 Franchise Tax Board may require.

31 (h) Notwithstanding Chapter 3.5 (commencing with Section  
32 6250) of Division 7 of Title 1 of the Government Code, the social  
33 security number and federal employer identification number  
34 furnished pursuant to this section shall not be deemed to be a  
35 public record and shall not be open to the public for inspection.

36 (i) Any deputy, agent, clerk, officer, or employee of any  
37 licensing board described in subdivision (a), or any former  
38 officer or employee or other individual who in the course of his  
39 or her employment or duty has or has had access to the  
40 information required to be furnished under this section, may not

1 disclose or make known in any manner that information, except  
2 as provided in this section to the Franchise Tax Board or as  
3 provided in subdivision (k).

4 (j) It is the intent of the Legislature in enacting this section to  
5 utilize the social security account number or federal employer  
6 identification number for the purpose of establishing the  
7 identification of persons affected by state tax laws and for  
8 purposes of compliance with Section 17520 of the Family Code  
9 and, to that end, the information furnished pursuant to this  
10 section shall be used exclusively for those purposes.

11 (k) If the board utilizes a national examination to issue a  
12 license, and if a reciprocity agreement or comity exists between  
13 the State of California and the state requesting release of the  
14 social security number, any deputy, agent, clerk, officer, or  
15 employee of any licensing board described in subdivision (a)  
16 may release a social security number to an examination or  
17 licensing entity, only for the purpose of verification of licensure  
18 or examination status.

19 (l) For the purposes of enforcement of Section 17520 of the  
20 Family Code, and notwithstanding any other provision of law,  
21 any board, as defined in Section 22, and the State Bar and the  
22 Department of Real Estate shall at the time of issuance ~~or~~  
23 ~~renewal~~ of the license require that each licensee provide the  
24 social security number of each individual listed on the license  
25 and any person who qualifies the license. For the purposes of this  
26 subdivision, "licensee" means any entity that is issued a license  
27 by any board, as defined in Section 22, the State Bar, the  
28 Department of Real Estate, and the Department of Motor  
29 Vehicles.

30 *SEC. 2. Section 473.15 of the Business and Professions Code*  
31 *is amended to read:*

32 473.15. (a) The Joint Committee on Boards, Commissions,  
33 and Consumer Protection established pursuant to Section 473  
34 shall review the following boards established by initiative  
35 measures, as provided in this section:

36 (1) The State Board of Chiropractic Examiners established by  
37 an initiative measure approved by electors November 7, 1922.

38 (2) The Osteopathic Medical Board of California established  
39 by an initiative measure approved June 2, 1913, and acts  
40 amendatory thereto approved by electors November 7, 1922.

(b) The Osteopathic Medical Board of California shall prepare an analysis and submit a report as described in subdivisions (a) to (e), inclusive, of Section 473.2, to the Joint Committee on Boards, Commissions, and Consumer Protection on or before September 1, 2010.

(c) The State Board of Chiropractic Examiners shall prepare an analysis and submit a report as described in subdivisions (a) to (e), inclusive, of Section 473.2, to the Joint Committee on Boards, Commissions, and Consumer Protection on or before September 1, ~~2005~~ 2011.

(d) The Joint Committee on Boards, Commissions, and Consumer Protection shall, during the interim recess of 2004 for the Osteopathic Medical Board of California, and during the interim recess of ~~2005~~ 2011 for the State Board of Chiropractic Examiners, hold public hearings to receive testimony from the Director of Consumer Affairs, the board involved, the public, and the regulated industry. In that hearing, each board shall be prepared to demonstrate a compelling public need for the continued existence of the board or regulatory program, and that its licensing function is the least restrictive regulation consistent with the public health, safety, and welfare.

(e) The Joint Committee on Boards, Commissions, and Consumer Protection shall evaluate and make determinations pursuant to Section 473.4 and shall report its findings and recommendations to the department as provided in Section 473.5.

(f) In the exercise of its inherent power to make investigations and ascertain facts to formulate public policy and determine the necessity and expediency of contemplated legislation for the protection of the public health, safety, and welfare, it is the intent of the Legislature that the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California be reviewed pursuant to this section.

(g) It is not the intent of the Legislature in requiring a review under this section to amend the initiative measures that established the State Board of Chiropractic Examiners or the Osteopathic Medical Board of California.

**SECTION 1.**

**SEC. 3.** Section 1742 of the Business and Professions Code is amended to read:

1 1742. (a) There is within the jurisdiction of the board a  
2 Committee on Dental Auxiliaries.

3 (b) The Committee on Dental Auxiliaries shall have the  
4 following areas of responsibility and duties:

5 (1) The committee shall have the following duties and  
6 authority related to education programs and curriculum:

7 (A) Shall evaluate all dental auxiliary programs applying for  
8 board approval in accordance with board rules governing the  
9 programs.

10 (B) May appoint board members to any evaluation committee.  
11 Board members so appointed shall not make a final decision on  
12 the issue of program or course approval.

13 (C) Shall report and make recommendations to the board as to  
14 whether a program or course qualifies for approval. The board  
15 retains the final authority to grant or deny approval to a program  
16 or course.

17 (D) Shall review and document any alleged deficiencies that  
18 might warrant board action to withdraw or revoke approval of a  
19 program or course, at the request of the board.

20 (E) May review and document any alleged deficiencies that  
21 might warrant board action to withdraw or revoke approval of a  
22 program or course, at its own initiation.

23 (2) The committee shall have the following duties and  
24 authority related to applications:

25 (A) Shall review and evaluate all applications for licensure in  
26 the various dental auxiliary categories to ascertain whether a  
27 candidate meets the appropriate licensing requirements specified  
28 by statute and board regulations.

29 (B) Shall maintain application records, cashier application  
30 fees, and perform any other ministerial tasks as are incidental to  
31 the application process.

32 (C) May delegate any or all of the functions in this paragraph  
33 to its staff.

34 (D) Shall issue auxiliary licenses in all cases, except where  
35 there is a question as to a licensing requirement. The board  
36 retains final authority to interpret any licensing requirement. If a  
37 question arises in the area of interpreting any licensing  
38 requirement, it shall be presented by the committee to the board  
39 for resolution.

1 (3) The committee shall have the following duties and  
2 authority regarding examinations:

3 (A) Shall advise the board as to the type of license  
4 examination it deems appropriate for the various dental auxiliary  
5 license categories.

6 (B) Shall, at the direction of the board, develop or cause to be  
7 developed, administer, or both, examinations in accordance with  
8 the board's instructions and periodically report to the board on  
9 the progress of those examinations. The following shall apply to  
10 the examination procedure:

11 (i) The examination shall be submitted to the board for its  
12 approval prior to its initial administration.

13 (ii) Once an examination has been approved by the board, no  
14 further approval is required unless a major modification is made  
15 to the examination.

16 (iii) The committee shall report to the board on the results of  
17 each examination and shall, where appropriate, recommend pass  
18 points.

19 (iv) The board shall set pass points for all dental auxiliary  
20 licensing examinations.

21 (C) May appoint board members to any examination  
22 committee established pursuant to subparagraph (B).

23 (4) The committee shall periodically report and make  
24 recommendations to the board concerning the level of fees for  
25 dental auxiliaries and the need for any legislative fee increase.  
26 However, the board retains final authority to set all fees.

27 (5) The committee shall be responsible for all aspects of the  
28 license renewal process, which shall be accomplished in  
29 accordance with this chapter and board regulations. The  
30 committee may delegate any or all of its functions under this  
31 paragraph to its staff.

32 (6) The committee shall have no authority with respect to the  
33 approval of continuing education providers and the board retains  
34 all of this authority.

35 (7) The committee shall advise the board as to appropriate  
36 standards of conduct for auxiliaries, the proper ordering of  
37 enforcement priorities, and any other enforcement-related matters  
38 that the board may, in the future, delegate to the committee. The  
39 board shall retain all authority with respect to the enforcement

1 actions, including, but not limited to, complaint resolution,  
2 investigation, and disciplinary action against auxiliaries.

3 (8) The committee shall have the following duties regarding  
4 regulations:

5 (A) To review and evaluate all suggestions or requests for  
6 regulatory changes related to dental auxiliaries.

7 (B) To report and make recommendations to the board, after  
8 consultation with departmental legal counsel and the board's  
9 executive officer.

10 (C) To include in any report regarding a proposed regulatory  
11 change, at a minimum, the specific language of the proposed  
12 changes and the reasons for and facts supporting the need for the  
13 change. The board has the final rulemaking authority.

14 (c) This section shall become inoperative on July 1, 2009, and,  
15 as of January 1, 2010, is repealed, unless a later enacted statute  
16 which becomes effective on or before January 1, 2010, deletes or  
17 extends the dates on which it becomes inoperative and is  
18 repealed. The repeal of this section renders the committee subject  
19 to the review required by Division 1.2 (commencing with Section  
20 473).

21 ~~SEC. 2.~~

22 *SEC. 4.* Section 2460 of the Business and Professions Code is  
23 amended to read:

24 2460. There is created within the jurisdiction of the Medical  
25 Board of California and its divisions the California Board of  
26 Podiatric Medicine. This section shall become inoperative on  
27 July 1, 2010, and, as of January 1, 2011, is repealed, unless a  
28 later enacted statute, which becomes effective on or before  
29 January 1, 2011, deletes or extends the dates on which it becomes  
30 inoperative and is repealed. The repeal of this section renders the  
31 California Board of Podiatric Medicine subject to the review  
32 required by Division 1.2 (commencing with Section 473).

33 ~~SEC. 3.~~

34 *SEC. 5.* Section 2570.4 of the Business and Professions Code  
35 is amended to read:

36 2570.4. Nothing in this chapter shall be construed as  
37 preventing or restricting the practice, services, or activities of any  
38 of the following persons:

39 (a) Any person licensed, certified, or otherwise recognized in  
40 this state by any other law or regulation when that person is

1 engaged in the profession or occupation for which he or she is  
2 licensed, certified, or otherwise recognized.

3 (b) Any person pursuing a supervised course of study leading  
4 to a degree or certificate in occupational therapy at an accredited  
5 educational program, if the person is designated by a title that  
6 clearly indicates his or her status as a student or trainee.

7 (c) Any person fulfilling the supervised fieldwork experience  
8 requirements of subdivision (c) of Section 2570.6, if the  
9 experience constitutes a part of the experience necessary to meet  
10 the requirement of that provision.

11 (d) Any person performing occupational therapy services in  
12 the state if all of the following apply:

13 (1) An application for licensure as an occupational therapist or  
14 certification as an occupational therapy assistant has been filed  
15 with the board pursuant to Section 2570.6.

16 (2) The person is licensed to practice occupational therapy  
17 under the laws of another state that the board determines has  
18 licensure requirements at least as stringent as the requirements of  
19 this chapter.

20 (3) Occupational therapy services are performed *in association*  
21 *with an occupational therapist licensed under this chapter, and*  
22 for no more than 60 days from the date on which the application  
23 for licensure or certification was filed with the board.

24 (e) Any person employed as an aide subject to the supervision  
25 requirements of this section.

26 ~~SEC. 4.~~

27 *SEC. 6.* Section 2570.19 of the Business and Professions  
28 Code is amended to read:

29 2570.19. (a) There is hereby created a California Board of  
30 Occupational Therapy, hereafter referred to as the board. The  
31 board shall enforce and administer this chapter.

32 (b) The members of the board shall consist of the following:

33 (1) Three occupational therapists who shall have practiced  
34 occupational therapy for five years.

35 (2) One occupational therapy assistant who shall have assisted  
36 in the practice of occupational therapy for five years.

37 (3) Three public members who shall not be licentiates of the  
38 board or of any board referred to in Section 1000 or 3600.

39 (c) The Governor shall appoint the three occupational  
40 therapists and one occupational therapy assistant to be members

1 of the board. The Governor, the Senate Rules Committee, and the  
2 Speaker of the Assembly shall each appoint a public member.  
3 Not more than one member of the board shall be appointed from  
4 the full-time faculty of any university, college, or other  
5 educational institution.

6 (d) All members shall be residents of California at the time of  
7 their appointment. The occupational therapist and occupational  
8 therapy assistant members shall have been engaged in rendering  
9 occupational therapy services to the public, teaching, or research  
10 in occupational therapy for at least five years preceding their  
11 appointments.

12 (e) The public members may not be or have ever been  
13 occupational therapists or occupational therapy assistants or in  
14 training to become occupational therapists or occupational  
15 therapy assistants. The public members may not be related to, or  
16 have a household member who is, an occupational therapist or an  
17 occupational therapy assistant, and may not have had, within two  
18 years of the appointment, a substantial financial interest in a  
19 person regulated by the board.

20 (f) The Governor shall appoint two board members for a term  
21 of one year, two board members for a term of two years, and one  
22 board member for a term of three years. Appointments made  
23 thereafter shall be for four-year terms, but no person shall be  
24 appointed to serve more than two consecutive terms. Terms shall  
25 begin on the first day of the calendar year and end on the last day  
26 of the calendar year or until successors are appointed, except for  
27 the first appointed members who shall serve through the last  
28 calendar day of the year in which they are appointed, before  
29 commencing the terms prescribed by this section. Vacancies shall  
30 be filled by appointment for the unexpired term. The board shall  
31 annually elect one of its members as president.

32 (g) The board shall meet and hold at least one regular meeting  
33 annually in the Cities of Sacramento, Los Angeles, and San  
34 Francisco. The board may convene from time to time until its  
35 business is concluded. Special meetings of the board may be held  
36 at any time and place designated by the board.

37 (h) Notice of each meeting of the board shall be given in  
38 accordance with the Bagley-Keene Open Meeting Act (Article 9  
39 (commencing with Section 11120) of Chapter 1 of Part 1 of  
40 Division 3 of Title 2 of the Government Code).



1 (i) Members of the board shall receive no compensation for  
2 their services, but shall be entitled to reasonable travel and other  
3 expenses incurred in the execution of their powers and duties in  
4 accordance with Section 103.

5 (j) The appointing power shall have the power to remove any  
6 member of the board from office for neglect of any duty imposed  
7 by state law, for incompetency, or for unprofessional or  
8 dishonorable conduct.

9 (k) A loan is hereby authorized from the General Fund to the  
10 Occupational Therapy Fund on or after July 1, 2000, in an  
11 amount of up to one million dollars (\$1,000,000) to fund  
12 operating, personnel, and other startup costs of the board. Six  
13 hundred ten thousand dollars (\$610,000) of this loan amount is  
14 hereby appropriated to the board to use in the 2000–01 fiscal year  
15 for the purposes described in this subdivision. In subsequent  
16 years, funds from the Occupational Therapy Fund shall be  
17 available to the board upon appropriation by the Legislature in  
18 the annual Budget Act. The loan shall be repaid to the General  
19 Fund over a period of up to five years, and the amount paid shall  
20 also include interest at the rate accruing to moneys in the Pooled  
21 Money Investment Account. The loan amount and repayment  
22 period shall be minimized to the extent possible based upon  
23 actual board financing requirements as determined by the  
24 Department of Finance.

25 (l) This section shall become inoperative on July 1, 2013, and,  
26 as of January 1, 2014, is repealed, unless a later enacted statute  
27 that is enacted before January 1, 2014, deletes or extends the  
28 dates on which it becomes inoperative and is repealed. The repeal  
29 of this section renders the board subject to the review required by  
30 Division 1.2 (commencing with Section 473).

31 ~~SEC. 5.~~

32 *SEC. 7.* Section 2602 of the Business and Professions Code is  
33 amended to read:

34 2602. The Physical Therapy Board of California, hereafter  
35 referred to as the board, shall enforce and administer this chapter.  
36 This section shall become inoperative on July 1, 2013, and, as of  
37 January 1, 2014, is repealed, unless a later enacted statute, which  
38 becomes effective on or before January 1, 2014, deletes or  
39 extends the dates on which it becomes inoperative and is  
40 repealed.

1 The repeal of this section renders the board subject to the  
2 review required by Division 1.2 (commencing with Section 473).

3 ~~SEC. 6.~~

4 *SEC. 8.* Section 2660.5 is added to the Business and  
5 Professions Code, to read:

6 2660.5. The board shall deny a physical therapist license or  
7 physical therapist assistant approval to an applicant who is  
8 required to register pursuant to Section 290 of the Penal Code.  
9 This section does not apply to an applicant who is required to  
10 register as a sex offender pursuant to Section 290 of the Penal  
11 Code solely because of a misdemeanor conviction under Section  
12 314 of the Penal Code.

13 ~~SEC. 7.~~

14 *SEC. 9.* Section 2668 of the Business and Professions Code is  
15 amended to read:

16 2668. (a) A fee to cover the actual cost of administering the  
17 program shall be charged for participation in the program. *If the*  
18 *board contracts with any other entity to carry out this article, at*  
19 *the discretion of the board, the fee may be collected and retained*  
20 *by that entity.*

21 (b) If the board contracts with any other entity to carry out this  
22 section, the executive officer of the board, or his or her designee,  
23 shall review the activities and performance of the contractor on a  
24 biennial basis. As part of this review, the board shall review files  
25 of participants in the program. However, the names of  
26 participants who entered the program voluntarily shall remain  
27 confidential, except when the review reveals misdiagnosis, case  
28 mismanagement, or noncompliance by the participant.

29 (c) *Subdivision (a) shall apply to all new participants entering*  
30 *into the board's diversion program on or after January 1, 2007.*  
31 *Subdivision (a) shall apply on and after January 1, 2008, to*  
32 *participants currently enrolled as of December 31, 2007.*

33 ~~SEC. 8.~~

34 *SEC. 10.* Section 2701 of the Business and Professions Code  
35 is amended to read:

36 2701. There is in the Department of Consumer Affairs the  
37 Board of Registered Nursing consisting of nine members.

38 Within the meaning of this chapter, board, or the board, refers  
39 to the Board of Registered Nursing. Any reference in state law to  
40 the Board of Nurse Examiners of the State of California or

1 California Board of Nursing Education and Nurse Registration  
2 shall be construed to refer to the Board of Registered Nursing.

3 This section shall become inoperative on July 1, 2010, and, as  
4 of January 1, 2011, is repealed, unless a later enacted statute, that  
5 becomes operative on or before January 1, 2011, deletes or  
6 extends the dates on which it becomes inoperative and is  
7 repealed. The repeal of this section renders the board subject to  
8 the review required by Division 1.2 (commencing with Section  
9 473).

10 ~~SEC. 9.~~

11 *SEC. 11.* Section 2708 of the Business and Professions Code  
12 is amended to read:

13 2708. The board shall appoint an executive officer who shall  
14 perform the duties delegated by the board and who shall be  
15 responsible to it for the accomplishment of those duties.

16 The executive officer shall be a nurse currently licensed under  
17 this chapter and shall possess other qualifications as determined  
18 by the board.

19 The executive officer shall not be a member of the board.

20 This section shall become inoperative on July 1, 2010, and, as  
21 of January 1, 2011, is repealed, unless a later enacted statute,  
22 which becomes effective on or before January 1, 2011, deletes or  
23 extends the dates on which it becomes inoperative and is  
24 repealed.

25 ~~SEC. 10.~~

26 *SEC. 12.* Section 2920 of the Business and Professions Code  
27 is amended to read:

28 2920. The Board of Psychology shall enforce and administer  
29 this chapter. The board shall consist of nine members, four of  
30 whom shall be public members.

31 This section shall become inoperative on July 1, 2009, and, as  
32 of January 1, 2010, is repealed, unless a later enacted statute,  
33 which becomes effective on or before January 1, 2010, deletes or  
34 extends the dates on which it becomes inoperative and is  
35 repealed.

36 ~~SEC. 11.~~

37 *SEC. 13.* Section 2933 of the Business and Professions Code  
38 is amended to read:

39 2933. Except as provided by Section 159.5, the board shall  
40 employ and shall make available to the board within the limits of

1 the funds received by the board all personnel necessary to carry  
2 out this chapter. The board may employ, exempt from the State  
3 Civil Service Act, an executive officer to the Board of  
4 Psychology. The board shall make all expenditures to carry out  
5 this chapter. The board may accept contributions to effectuate the  
6 purposes of this chapter.

7 This section shall become inoperative on July 1, 2009, and, as  
8 of January 1, 2010, is repealed, unless a later enacted statute,  
9 which becomes effective on or before January 1, 2010, deletes or  
10 extends the dates on which it becomes inoperative and is  
11 repealed.

12 ~~SEC. 12.~~

13 *SEC. 14.* Section 3010.5 of the Business and Professions  
14 Code is amended to read:

15 3010.5. (a) There is in the Department of Consumer Affairs  
16 a State Board of Optometry in which the enforcement of this  
17 chapter is vested. The board consists of 11 members, five of  
18 whom shall be public members.

19 Six members of the board shall constitute a quorum.

20 (b) The board shall, with respect to conducting investigations,  
21 inquiries, and disciplinary actions and proceedings, have the  
22 authority previously vested in the board as created pursuant to  
23 Section 3010. The board may enforce any disciplinary actions  
24 undertaken by that board.

25 (c) This section shall remain in effect only until July 1, 2010,  
26 and, as of January 1, 2011, is repealed, unless a later enacted  
27 statute, that is enacted before January 1, 2011, deletes or extends  
28 that date.

29 ~~SEC. 13.~~

30 *SEC. 15.* Section 3014.6 of the Business and Professions  
31 Code is amended to read:

32 3014.6. (a) The board may appoint a person exempt from  
33 civil service who shall be designated as an executive officer and  
34 who shall exercise the powers and perform the duties delegated  
35 by the board and vested in him or her by this chapter.

36 (b) This section shall become inoperative on July 1, 2010, and,  
37 as of January 1, 2011, is repealed, unless a later enacted statute,  
38 that is enacted before January 1, 2011, deletes or extends the  
39 dates on which it becomes inoperative and is repealed.

~~SEC. 14.~~

*SEC. 16.* Section 3504 of the Business and Professions Code is amended to read:

3504. There is established a Physician Assistant Committee of the Medical Board of California. The committee consists of nine members. This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the committee subject to the review required by Division 1.2 (commencing with Section 473).

~~SEC. 15.~~

*SEC. 17.* Section 3512 of the Business and Professions Code is amended to read:

3512. (a) Except as provided in Sections 159.5 and 2020, the committee shall employ within the limits of the Physician Assistant Fund all personnel necessary to carry out the provisions of this chapter including an executive officer who shall be exempt from civil service. The board and committee shall make all necessary expenditures to carry out the provisions of this chapter from the funds established by Section 3520. The committee may accept contributions to effect the purposes of this chapter.

(b) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 16.~~

*SEC. 18.* Section 3516.1 of the Business and Professions Code is amended to read:

3516.1. (a) (1) Notwithstanding any other provision of law, a physician who provides services in a medically underserved area may supervise not more than four physician assistants at any one time.

(2) As used in this section, “medically underserved area” means a “health professional(s) shortage area” (HPSA) as defined in Part 5 (commencing with Section 5.1) of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state

1 where unmet priority needs for physicians exist as determined by  
2 the California Healthcare Workforce Policy Commission  
3 pursuant to Section 128225 of the Health and Safety Code.

4 (b) This section shall become inoperative on July 1, 2011, and,  
5 as of January 1, 2012, is repealed, unless a later enacted statute  
6 that is enacted before January 1, 2012, deletes or extends the  
7 dates on which it becomes inoperative and is repealed.

8 ~~SEC. 17.~~

9 *SEC. 19.* Section 3685 of the Business and Professions Code  
10 is amended to read:

11 3685. (a) The provisions of Article 8 (commencing with  
12 Section 3680) shall become operative on January 1, 2004, but the  
13 remaining provisions of this chapter shall become operative on  
14 July 1, 2004. It is the intent of the Legislature that the initial  
15 implementation of this chapter be administered by fees collected  
16 in advance from applicants. Therefore, the bureau shall have the  
17 power and authority to establish fees and receive applications for  
18 licensure or intents to file application statements on and after  
19 January 1, 2004. The department shall certify that sufficient  
20 funds are available prior to implementing this chapter. Funds  
21 from the General Fund may not be used for the purpose of  
22 implementing this chapter.

23 (b) This chapter shall become inoperative on July 1, 2010,  
24 and, as of January 1, 2011, is repealed, unless a later enacted  
25 statute that is enacted before January 1, 2011, deletes or extends  
26 the dates on which it becomes inoperative and is repealed. The  
27 repeal of this chapter renders the bureau subject to the review  
28 required by Division 1.2 (commencing with Section 473).

29 (c) The bureau shall prepare the report required by Section  
30 473.2 no later than September 1, ~~2007~~ 2008.

31 ~~SEC. 18.~~

32 *SEC. 20.* Section 3710 of the Business and Professions Code  
33 is amended to read:

34 3710. The Respiratory Care Board of California, hereafter  
35 referred to as the board, shall enforce and administer this chapter.

36 This section shall become inoperative on July 1, 2010, and, as  
37 of January 1, 2011, is repealed, unless a later enacted statute, that  
38 becomes operative on or before January 1, 2011, deletes or  
39 extends the dates on which it becomes inoperative and is  
40 repealed.

1 The repeal of this section renders the board subject to the  
2 review required by Division 1.2 (commencing with Section 473).

3 ~~SEC. 19.~~

4 *SEC. 21.* Section 3716 of the Business and Professions Code  
5 is amended to read:

6 3716. The board may employ an executive officer exempt  
7 from civil service and, subject to the provisions of law relating to  
8 civil service, clerical assistants and, except as provided in Section  
9 159.5, other employees as it may deem necessary to carry out its  
10 powers and duties.

11 This section shall become inoperative on July 1, 2010, and, as  
12 of January 1, 2011, is repealed, unless a later enacted statute, that  
13 becomes operative on or before January 1, 2011, deletes or  
14 extends the dates on which it becomes inoperative and is  
15 repealed.

16 *SEC. 22. Section 3765 of the Business and Professions Code*  
17 *is amended to read:*

18 3765. This act does not prohibit any of the following  
19 activities:

20 (a) The performance of respiratory care—~~which~~ *that* is an  
21 integral part of the program of study by students enrolled in  
22 approved respiratory therapy training programs.

23 (b) Self-care by the patient or the gratuitous care by a friend or  
24 member of the family who does not represent or hold himself or  
25 herself out to be a respiratory care practitioner licensed under the  
26 provisions of this chapter.

27 (c) The respiratory care practitioner from performing advances  
28 in the art and techniques of respiratory care learned through  
29 formal or specialized training.

30 (d) The performance of respiratory care *in an emergency*  
31 *situation* by paramedical personnel who have been formally  
32 trained in these modalities and are duly licensed under the  
33 provisions of an act pertaining to their speciality.

34 (e) Respiratory care services in case of an emergency.  
35 “Emergency,” as used in this subdivision, includes an epidemic  
36 or public disaster.

37 (f) Persons from engaging in cardiopulmonary research.

38 (g) Formally trained licensees and staff of child day care  
39 facilities from administering to a child inhaled medication as  
40 defined in Section 1596.798 of the Health and Safety Code.

1     (h) *The performance by a person employed by a home medical*  
2     *device retail facility or by a home health agency licensed by the*  
3     *State Department of Health Services of specific, limited, and*  
4     *basic respiratory care or respiratory care related services that*  
5     *have been authorized by the board.*

6     ~~SEC. 20.~~

7     SEC. 23. Section 4001 of the Business and Professions Code  
8     is amended to read:

9     4001. (a) There is in the Department of Consumer Affairs a  
10    California State Board of Pharmacy in which the administration  
11    and enforcement of this chapter is vested. The board consists of  
12    13 members.

13    (b) The Governor shall appoint seven competent pharmacists  
14    who reside in different parts of the state to serve as members of  
15    the board. The Governor shall appoint four public members, and  
16    the Senate Committee on Rules and the Speaker of the Assembly  
17    shall each appoint a public member who shall not be a licensee of  
18    the board, any other board under this division, or any board  
19    referred to in Section 1000 or 3600.

20    (c) At least five of the seven pharmacist appointees to the  
21    board shall be pharmacists who are actively engaged in the  
22    practice of pharmacy. Additionally, the membership of the board  
23    shall include at least one pharmacist representative from each of  
24    the following practice settings: an acute care hospital, an  
25    independent community pharmacy, a chain community  
26    pharmacy, and a long-term health care or skilled nursing facility.  
27    The pharmacist appointees shall also include a pharmacist who is  
28    a member of a labor union that represents pharmacists. For the  
29    purposes of this subdivision, a “chain community pharmacy”  
30    means a chain of 75 or more stores in California under the same  
31    ownership, and an “independent community pharmacy” means a  
32    pharmacy owned by a person or entity who owns no more than  
33    four pharmacies in California.

34    (d) Members of the board shall be appointed for a term of four  
35    years. No person shall serve as a member of the board for more  
36    than two consecutive terms. Each member shall hold office until  
37    the appointment and qualification of his or her successor or until  
38    one year shall have elapsed since the expiration of the term for  
39    which the member was appointed, whichever first occurs.



1 Vacancies occurring shall be filled by appointment for the  
2 unexpired term.

3 (e) Each member of the board shall receive a per diem and  
4 expenses as provided in Section 103.

5 (f) In accordance with Sections 101.1 and 473.1, this section  
6 shall become inoperative on July 1, 2010, and, as of January 1,  
7 2011, is repealed, unless a later enacted statute, that becomes  
8 effective on or before January 1, 2011, deletes or extends the  
9 dates on which it becomes inoperative and is repealed. The repeal  
10 of this section renders the board subject to the review required by  
11 Division 1.2 (commencing with Section 473).

12 ~~SEC. 24.~~

13 *SEC. 24.* Section 4003 of the Business and Professions Code  
14 is amended to read:

15 4003. (a) The board may appoint a person exempt from civil  
16 service who shall be designated as an executive officer and who  
17 shall exercise the powers and perform the duties delegated by the  
18 board and vested in him or her by this chapter. The executive  
19 officer may or may not be a member of the board as the board  
20 may determine.

21 (b) The executive officer shall receive the compensation as  
22 established by the board with the approval of the Director of  
23 Finance. The executive officer shall also be entitled to travel and  
24 other expenses necessary in the performance of his or her duties.

25 (c) The executive officer shall maintain and update in a timely  
26 fashion records containing the names, titles, qualifications, and  
27 places of business of all persons subject to this chapter.

28 (d) The executive officer shall give receipts for all money  
29 received by him or her and pay it to the Department of Consumer  
30 Affairs, taking its receipt therefor. Besides the duties required by  
31 this chapter, the executive officer shall perform other duties  
32 pertaining to the office as may be required of him or her by the  
33 board.

34 (e) In accordance with Sections 101.1 and 473.1, this section  
35 shall become inoperative on July 1, 2010, and, as of January 1,  
36 2011, is repealed, unless a later enacted statute, that becomes  
37 effective on or before January 1, 2011, deletes or extends the  
38 dates on which it becomes inoperative and is repealed.

1     ~~SEC. 22.~~

2     *SEC. 25.* Section 4034 of the Business and Professions Code  
3 is amended to read:

4     4034. (a) “Pedigree” means a record, in electronic form,  
5 containing information regarding each transaction resulting in a  
6 change of ownership of a given dangerous drug, from sale by a  
7 manufacturer, through acquisition and sale by a wholesaler, until  
8 final sale to a pharmacy or other person furnishing,  
9 administering, or dispensing the dangerous drug.

10    (b) A pedigree shall include all of the following information:

11    (1) The source of the dangerous drug, including the name,  
12 state license number, including California license number if  
13 available, and principal address of the source.

14    (2) The quantity of the dangerous drug, its dosage form and  
15 strength, the date of the transaction, the sales invoice number, the  
16 container size, the number of containers, the expiration dates, and  
17 the lot numbers.

18    (3) The business name, address, and if appropriate, the state  
19 license number, including a California license number if  
20 available, of each owner of the dangerous drug, and the  
21 dangerous drug shipping information, including the name and  
22 address of each person certifying delivery or receipt of the  
23 dangerous drug.

24    (4) A certification under penalty of perjury from a responsible  
25 party of the source of the dangerous drug that the information  
26 contained in the pedigree is true and accurate.

27    (c) If a licensed health care service plan, hospital organization,  
28 and one or more physician organizations have exclusive  
29 contractual relationships to provide health care services, drugs  
30 distributed between these persons shall be deemed not to have  
31 changed ownership.

32    (d) The application of the pedigree requirement in pharmacies  
33 shall be subject to review during the board’s sunset review to be  
34 conducted as described in subdivision (f) of Section 4001.

35    (e) This section shall become operative on January 1, 2008.

36     ~~SEC. 23.~~

37     *SEC. 26.* Section 4163 of the Business and Professions Code,  
38 as amended by Section 31 of Chapter 857 of the Statutes of 2004,  
39 is amended to read:

1 4163. (a) No manufacturer or wholesaler shall furnish any  
2 dangerous drugs or dangerous devices to any unauthorized  
3 persons.

4 (b) No person shall acquire dangerous drugs or dangerous  
5 devices from a person not authorized by law to possess or furnish  
6 those dangerous drugs or dangerous devices. When the person  
7 acquiring the dangerous drugs or dangerous devices is a  
8 wholesaler, the obligation of the wholesaler shall be limited to  
9 obtaining confirmation of licensure of those sources from whom  
10 it has not previously acquired dangerous drugs or dangerous  
11 devices.

12 (c) This section shall remain in effect only until January 1,  
13 2008, and as of that date is repealed, unless a later enacted  
14 statute, that is enacted before January 1, 2008, deletes or extends  
15 that date.

16 ~~SEC. 24.~~

17 *SEC. 27.* Section 4163 of the Business and Professions Code,  
18 as added by Section 32 of Chapter 857 of the Statutes of 2004, is  
19 amended to read:

20 4163. (a) A manufacturer or wholesaler may not furnish a  
21 dangerous drug or dangerous device to an unauthorized person.

22 (b) Dangerous drugs or dangerous devices shall be acquired  
23 from a person authorized by law to possess or furnish dangerous  
24 drugs or dangerous devices. When the person acquiring the  
25 dangerous drugs or dangerous devices is a wholesaler, the  
26 obligation of the wholesaler shall be limited to obtaining  
27 confirmation of licensure of those sources from whom it has not  
28 previously acquired dangerous drugs or dangerous devices.

29 (c) A wholesaler or pharmacy may not sell, trade, or transfer a  
30 dangerous drug at wholesale without providing a pedigree.

31 (d) A wholesaler or pharmacy may not acquire a dangerous  
32 drug without receiving a pedigree.

33 (e) This section shall become operative on January 1, 2008.

34 ~~SEC. 25.~~

35 *SEC. 28.* Section 4163.5 of the Business and Professions  
36 Code is repealed.

37 ~~SEC. 26.~~

38 *SEC. 29.* Section 4169 of the Business and Professions Code,  
39 as added by Section 39 of Chapter 857 of the Statutes of 2004, is  
40 amended to read:

1     4169. (a) A person or entity may not do any of the following:

2     (1) Purchase, trade, sell, or transfer dangerous drugs or  
3 dangerous devices at wholesale with a person or entity that is not  
4 licensed with the board as a wholesaler or pharmacy, in violation  
5 of Section 4163.

6     (2) Purchase, trade, sell, or transfer dangerous drugs that the  
7 person knew or reasonably should have known were adulterated,  
8 as set forth in Article 2 (commencing with Section 111250) of  
9 Chapter 6 of Part 5 of Division 104 of the Health and Safety  
10 Code.

11     (3) Purchase, trade, sell, or transfer dangerous drugs that the  
12 person knew or reasonably should have known were misbranded,  
13 as defined in Section 111335 of the Health and Safety Code.

14     (4) Purchase, trade, sell, or transfer dangerous drugs or  
15 dangerous devices after the beyond use date on the label.

16     (5) Fail to maintain records of the acquisition or disposition of  
17 dangerous drugs or dangerous devices for at least three years.

18     (b) Notwithstanding any other provision of law, a violation of  
19 this section may subject the person or entity that has committed  
20 the violation to a fine not to exceed the amount specified in  
21 Section 125.9 for each occurrence, pursuant to a citation issued  
22 by the board.

23     (c) Amounts due from any person under this section shall be  
24 offset as provided under Section 12419.5 of the Government  
25 Code. Amounts received by the board under this section shall be  
26 deposited into the Pharmacy Board Contingent Fund.

27     (d) This section shall not apply to a pharmaceutical  
28 manufacturer licensed by the Food and Drug Administration or  
29 by the State Department of Health Services.

30     (e) This section shall remain in effect only until January 1,  
31 2008, and as of that date is repealed, unless a later enacted  
32 statute, that is enacted before January 1, 2008, deletes or extends  
33 that date.

34     ~~SEC. 27.~~

35     ~~SEC. 30.~~ Section 4169 of the Business and Professions Code,  
36 as added by Section 40 of Chapter 857 of the Statutes of 2004, is  
37 amended to read:

38     4169. (a) A person or entity may not do any of the following:

1 (1) Purchase, trade, sell, or transfer dangerous drugs or  
2 dangerous devices at wholesale with a person or entity that is not  
3 licensed with the board as a wholesaler or pharmacy.

4 (2) Purchase, trade, sell, or transfer dangerous drugs that the  
5 person knew or reasonably should have known were adulterated,  
6 as set forth in Article 2 (commencing with Section 111250) of  
7 Chapter 6 of Part 5 of Division 104 of the Health and Safety  
8 Code.

9 (3) Purchase, trade, sell, or transfer dangerous drugs that the  
10 person knew or reasonably should have known were misbranded,  
11 as defined in Section 111335 of the Health and Safety Code.

12 (4) Purchase, trade, sell, or transfer dangerous drugs or  
13 dangerous devices after the beyond use date on the label.

14 (5) Fail to maintain records of the acquisition or disposition of  
15 dangerous drugs or dangerous devices for at least three years.

16 (b) Notwithstanding any other provision of law, a violation of  
17 this section or of subdivision (c) or (d) of Section 4163 may  
18 subject the person or entity that has committed the violation to a  
19 fine not to exceed the amount specified in Section 125.9 for each  
20 occurrence, pursuant to a citation issued by the board.

21 (c) Amounts due from any person under this section shall be  
22 offset as provided under Section 12419.5 of the Government  
23 Code. Amounts received by the board under this section shall be  
24 deposited into the Pharmacy Board Contingent Fund.

25 (d) This section shall not apply to a pharmaceutical  
26 manufacturer licensed by the Food and Drug Administration or  
27 by the State Department of Health Services.

28 (e) This section shall become operative on January 1, 2008.

29 *SEC. 31. Section 4200.1 of the Business and Professions*  
30 *Code is amended to read:*

31 4200.1. (a) Notwithstanding Section 135, an applicant may  
32 take the North American Pharmacist Licensure Examination four  
33 times, and may take the Multi-State Pharmacy Jurisprudence  
34 Examination for California four times.

35 (b) Notwithstanding Section 135, an applicant may take the  
36 North American Pharmacist Licensure Examination and the  
37 Multi-State Pharmacy Jurisprudence Examination for California  
38 four additional times each if he or she successfully completes, at  
39 minimum, 16 additional semester units of education in pharmacy  
40 as approved by the board.

1 (c) The applicant shall comply with the requirements of  
2 Section 4200 for each application for reexamination made  
3 pursuant to subdivision (b).

4 (d) An applicant may use the same coursework to satisfy the  
5 additional educational requirement for each examination under  
6 subdivision (b), if the coursework was completed within 12  
7 months of the date of his or her application for reexamination.

8 (e) For purposes of this section, the board shall treat each  
9 failing score on the pharmacist licensure examination  
10 administered by the board prior to January 1, 2004, as a failing  
11 score on both the North American Pharmacist Licensure  
12 Examination and the Multi-State Pharmacy Jurisprudence  
13 Examination for California.

14 (f) From January 1, 2004, to July 1, ~~2006~~ 2008, inclusive, the  
15 board shall collect data on the applicants who are admitted to,  
16 and take, the licensure examinations required by Section 4200.  
17 The board shall report to the Joint Committee on Boards,  
18 Commissions, and Consumer Protection before September 1,  
19 ~~2006~~ 2008, regarding the impact on those applicants of the  
20 examination limitations imposed by this section. The report shall  
21 include, but not be limited to, the following information:

22 (1) The number of applicants taking the examination and the  
23 number who fail the examination for the fourth time.

24 (2) The number of applicants who, after failing the  
25 examination for the fourth time, complete a pharmacy studies  
26 program in California or another state to satisfy the requirements  
27 of this section and who apply to take the licensure examination  
28 required by Section 4200.

29 (3) To the extent possible, the school from which the applicant  
30 graduated and the school's location and the pass/fail rates on the  
31 examination for each school.

32 (g) This section shall remain in effect only until January 1,  
33 ~~2008~~ 2010, and as of that date is repealed, unless a later enacted  
34 statute, that is enacted before January 1, ~~2008~~ 2010, deletes or  
35 extends that date.

36 ~~SEC. 28.~~

37 *SEC. 32.* Section 4800 of the Business and Professions Code  
38 is amended to read:

39 4800. There is in the Department of Consumer Affairs a  
40 Veterinary Medical Board in which the administration of this

chapter is vested. The board consists of seven members, three of whom shall be public members.

This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review provided for by Division 1.2 (commencing with Section 473).

~~SEC. 29.~~

*SEC. 33.* Section 4804.5 of the Business and Professions Code is amended to read:

4804.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 30.~~

*SEC. 34.* Section 4928 of the Business and Professions Code is amended to read:

4928. The Acupuncture Board, which consists of seven members, shall enforce and administer this chapter. The appointing powers, as described in Section 4929, may appoint to the board a person who was a member of the prior board prior to the repeal of that board on January 1, 2006.

This section shall become inoperative on July 1, 2009, and as of January 1, 2010, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

~~SEC. 31.~~

*SEC. 35.* Section 4934 of the Business and Professions Code is amended to read:

1 4934. (a) The board, by and with the approval of the director,  
2 may employ personnel necessary for the administration of this  
3 chapter, and the board, by and with the approval of the director,  
4 may appoint an executive officer who is exempt from the  
5 provisions of the Civil Service Act.

6 (b) This section shall become inoperative on July 1, 2009, and,  
7 as of January 1, 2010, is repealed, unless a later enacted statute,  
8 which becomes effective on or before January 1, 2010, deletes or  
9 extends the dates on which it becomes inoperative and is  
10 repealed.

11 ~~SEC. 32.~~

12 *SEC. 36.* Section 4990.1 of the Business and Professions  
13 Code is amended to read:

14 4990.1. There is in the Department of Consumer Affairs a  
15 Board of Behavioral Sciences which consists of 11 members.

16 This section shall become inoperative on July 1, 2009, and, as  
17 of January 1, 2010, is repealed, unless a later enacted statute,  
18 which becomes effective on or before January 1, 2010, deletes or  
19 extends the dates on which it becomes inoperative and is  
20 repealed.

21 ~~SEC. 33.~~

22 *SEC. 37.* Section 5510 of the Business and Professions Code  
23 is amended to read:

24 5510. There is in the Department of Consumer Affairs a  
25 California Architects Board which consists of 10 members.

26 Any reference in law to the California Board of Architectural  
27 Examiners shall mean the California Architects Board.

28 This section shall become inoperative on July 1, 2011, and, as  
29 of January 1, 2012, is repealed, unless a later enacted statute,  
30 which becomes effective on or before January 1, 2012, deletes or  
31 extends the dates on which it becomes inoperative and is  
32 repealed. The repeal of this section renders the board subject to  
33 the review required by Division 1.2 (commencing with Section  
34 473).

35 ~~SEC. 34.~~

36 *SEC. 38.* Section 5517 of the Business and Professions Code  
37 is amended to read:

38 5517. The board may appoint a person exempt from civil  
39 service who shall be designated as an executive officer and who



1 shall exercise the powers and perform the duties delegated by the  
2 board and vested in him or her by this chapter.

3 This section shall become inoperative on July 1, 2011, and, as  
4 of January 1, 2012, is repealed, unless a later enacted statute,  
5 which becomes effective on or before January 1, 2012, deletes or  
6 extends the dates on which it becomes inoperative and is  
7 repealed.

8 ~~SEC. 35.~~

9 *SEC. 39.* Section 5620 of the Business and Professions Code  
10 is amended to read:

11 5620. The duties, powers, purposes, responsibilities, and  
12 jurisdiction of the California State Board of Landscape  
13 Architects that were succeeded to and vested with the  
14 Department of Consumer Affairs in accordance with Chapter 908  
15 of the Statutes of 1994 are hereby transferred to the California  
16 Architects Board. The Legislature finds that the purpose for the  
17 transfer of power is to promote and enhance the efficiency of  
18 state government and that assumption of the powers and duties  
19 by the California Architects Board shall not be viewed or  
20 construed as a precedent for the establishment of state regulation  
21 over a profession or vocation that was not previously regulated  
22 by a board, as defined in Section 477.

23 (a) There is in the Department of Consumer Affairs a  
24 California Architects Board as defined in Article 2 (commencing  
25 with Section 5510) of Chapter 3.

26 Whenever in this chapter “board” is used it refers to the  
27 California Architects Board.

28 (b) Except as provided herein, the board may delegate its  
29 authority under this chapter to the Landscape Architects  
30 Technical Committee.

31 (c) After review of proposed regulations, the board may direct  
32 the examining committee to notice and conduct hearings to  
33 adopt, amend, or repeal regulations pursuant to Section 5630,  
34 provided that the board itself shall take final action to adopt,  
35 amend, or repeal those regulations.

36 (d) The board shall not delegate its authority to discipline a  
37 landscape architect or to take action against a person who has  
38 violated this chapter.

39 (e) This section shall become inoperative on July 1, 2011, and  
40 as of January 1, 2012, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2012, deletes or  
2 extends the dates on which it becomes inoperative and is  
3 repealed.

4 ~~SEC. 36.~~

5 *SEC. 40.* Section 5621 of the Business and Professions Code  
6 is amended to read:

7 5621. (a) There is hereby created within the jurisdiction of  
8 the board, a Landscape Architects Technical Committee,  
9 hereinafter referred to in this chapter as the landscape architects  
10 committee.

11 (b) The landscape architects committee shall consist of five  
12 members who shall be licensed to practice landscape architecture  
13 in this state. The Governor shall appoint three of the members.  
14 The Senate Committee on Rules and the Speaker of the  
15 Assembly shall appoint one member each.

16 (c) The initial members to be appointed by the Governor are as  
17 follows: one member for a term of one year; one member for a  
18 term of two years; and one member for a term of three years. The  
19 Senate Committee on Rules and the Speaker of the Assembly  
20 shall initially each appoint one member for a term of four years.  
21 Thereafter, appointments shall be made for four-year terms,  
22 expiring on June 1 of the fourth year and until the appointment  
23 and qualification of his or her successor or until one year shall  
24 have elapsed whichever first occurs. Vacancies shall be filled for  
25 the unexpired term.

26 (d) No person shall serve as a member of the landscape  
27 architects committee for more than two consecutive terms.

28 (e) This section shall become inoperative on July 1, 2011, and  
29 as of January 1, 2012, is repealed, unless a later enacted statute,  
30 that becomes operative on or before January 1, 2012, deletes or  
31 extends the dates on which it becomes inoperative and is  
32 repealed.

33 ~~SEC. 37.~~

34 *SEC. 41.* Section 5622 of the Business and Professions Code  
35 is amended to read:

36 5622. (a) The landscape architects committee may assist the  
37 board in the examination of candidates for a landscape architect's  
38 license and, after investigation, evaluate and make  
39 recommendations regarding potential violations of this chapter.

1 (b) The landscape architects committee may investigate, assist,  
2 and make recommendations to the board regarding the regulation  
3 of landscape architects in this state.

4 (c) The landscape architects committee may perform duties  
5 and functions that have been delegated to it by the board pursuant  
6 to Section 5620.

7 (d) The landscape architects committee may send a  
8 representative to all meetings of the full board to report on the  
9 committee's activities.

10 (e) This section shall become inoperative on July 1, 2011, and,  
11 as of January 1, 2012, is repealed, unless a later enacted statute,  
12 that becomes operative on or before January 1, 2012, deletes or  
13 extends the dates on which it becomes inoperative and is  
14 repealed.

15 *SEC. 42. Section 5810 of the Business and Professions Code*  
16 *is amended to read:*

17 5810. (a) This chapter shall be subject to the review required  
18 by Division 1.2 (commencing with Section 473).

19 (b) This chapter shall remain in effect only until January 1,  
20 2008 2010, and as of that date is repealed, unless a later enacted  
21 statute, that is enacted before January 1, 2008 2010, deletes or  
22 extends that date.

23 *SEC. 43. Section 6704 of the Business and Professions Code*  
24 *is amended to read:*

25 6704. (a) In order to safeguard life, health, property, and  
26 public welfare, no person shall practice civil, electrical, or  
27 mechanical engineering unless appropriately ~~registered~~ *licensed*  
28 or specifically exempted from ~~registration~~ *licensure* under this  
29 chapter, and only persons ~~registered~~ *licensed* under this chapter  
30 shall be entitled to take and use the titles "consulting engineer,"  
31 "professional engineer," or "registered engineer," or any  
32 combination of those titles *or abbreviations thereof*, and  
33 according to ~~registration~~ *licensure* with the board the engineering  
34 branch titles specified in Section 6732, or the authority titles  
35 specified in Sections 6736 and 6736.1, or *the title*  
36 "engineer-in-training."

37 ~~The provisions of this act pertaining to registration of~~  
38 ~~professional engineers other than civil engineers, do not apply to~~  
39 ~~employees in the communication industry; nor to the employees~~  
40 ~~of contractors while engaged in work on communication~~

1 ~~equipment; however, those employees may not use any of the~~  
2 ~~titles listed in Section 6732 unless registered.~~

3 (b) The provisions of this section shall not prevent the use of  
4 the title “consulting engineer” by a person who has qualified for  
5 and maintained exemption for using that title under the  
6 provisions of Section 6732.1, or by a person licensed as a  
7 photogrammetric surveyor.

8 ~~SEC. 38.~~

9 *SEC. 44.* Section 6710 of the Business and Professions Code  
10 is amended to read:

11 6710. (a) There is in the Department of Consumer Affairs a  
12 Board for Professional Engineers and Land Surveyors, which  
13 consists of 13 members.

14 (b) Any reference in any law or regulation to the Board of  
15 Registration for Professional Engineers and Land Surveyors is  
16 deemed to refer to the Board for Professional Engineers and  
17 Land Surveyors.

18 (c) This section shall become inoperative on July 1, 2011, and,  
19 as of January 1, 2012, is repealed, unless a later enacted statute,  
20 that becomes effective on or before January 1, 2012, deletes or  
21 extends the dates on which it becomes inoperative and is  
22 repealed. The repeal of this section renders the board subject to  
23 the review required by Division 1.2 (commencing with Section  
24 473).

25 *SEC. 45.* Section 6712 of the Business and Professions Code  
26 is amended to read:

27 6712. (a) All appointments to the board shall be for a term of  
28 four years. Vacancies shall be filled by appointment for the  
29 unexpired term. Each appointment thereafter shall be for a  
30 four-year term expiring on June 30 of the fourth year following  
31 the year in which the previous term expired.

32 (b) Each member shall hold office until the appointment and  
33 qualification of his or her successor or until one year shall have  
34 elapsed since the expiration of the term for which he or she was  
35 appointed, whichever first occurs. No person shall serve as a  
36 member of the board for more than two consecutive terms.

37 (c) The Governor shall appoint professional members so that  
38 one is licensed to practice engineering as a civil engineer, one as  
39 an electrical engineer, one as a mechanical engineer, another is  
40 authorized to use the title of structural engineer, and one is a

1 member of one of the remaining branches of engineering. One of  
2 the professional members ~~registered~~ *licensed* under this chapter  
3 shall be from a local public agency, and one shall be from a state  
4 agency.

5 (d) The Governor shall appoint five of the public members and  
6 the professional members qualified as provided in Section 6711.  
7 The Senate Rules Committee and the Speaker of the Assembly  
8 shall each appoint a public member.

9 ~~SEC. 39.~~

10 *SEC. 46.* Section 6714 of the Business and Professions Code  
11 is amended to read:

12 6714. The board shall appoint an executive officer at a salary  
13 to be fixed and determined by the board with the approval of the  
14 Director of Finance.

15 This section shall become inoperative on July 1, 2011, and, as  
16 of January 1, 2012, is repealed, unless a later enacted statute, that  
17 becomes effective on or before January 1, 2012, deletes or  
18 extends the dates on which it becomes inoperative and is  
19 repealed.

20 *SEC. 47. Section 6716 of the Business and Professions Code*  
21 *is amended to read:*

22 6716. (a) The board may adopt rules and regulations  
23 consistent with law and necessary to govern its action. These  
24 rules and regulations shall be adopted in accordance with the  
25 provisions of the Administrative Procedure Act (Chapter 3.5  
26 (commencing with Section 11340) of Part 1 of Division 3 of Title  
27 2 of the Government Code).

28 (b) The board may adopt rules and regulations of professional  
29 conduct that are not inconsistent with state and federal law. The  
30 rules and regulations may include definitions of incompetence  
31 and negligence. Every person who holds a license or certificate  
32 issued by the board pursuant to this chapter shall be governed by  
33 these rules and regulations.

34 (c) The board shall hold at least two regular meetings each  
35 year. Special meetings shall be held at those times that the  
36 board's rules provide. A majority of the board constitutes a  
37 quorum. ~~Except as otherwise provided by law, the vote required~~  
38 ~~for any action of the board is a majority of the members present,~~  
39 ~~but not less than five.~~

1     *SEC. 48. Section 6726.2 of the Business and Professions*  
2     *Code is amended to read:*

3     ~~6726.2. Except as provided in subdivision (e) of Section~~  
4     ~~6736.1, each~~ Each member of each technical advisory committee  
5     shall be an expert in the branch of engineering within the  
6     committee's jurisdiction and shall be ~~registered~~ *licensed* under  
7     this chapter.

8     *SEC. 49. Section 6730 of the Business and Professions Code*  
9     *is amended to read:*

10    6730. In order to safeguard life, health, property and public  
11    welfare, any person, either in a public or private capacity, except  
12    as in this chapter specifically excepted, who practices, or offers  
13    to practice, civil engineering, electrical engineering or  
14    mechanical engineering, in any of its branches in this state,  
15    including any person employed by the State of California, or any  
16    city, county, or city and county, who practices engineering, shall  
17    submit evidence that he *or she* is qualified to practice, and shall  
18    be ~~registered~~ *licensed* accordingly as a civil engineer, electrical  
19    engineer or mechanical engineer by the board.

20    *SEC. 50. Section 6732.3 of the Business and Professions*  
21    *Code is amended to read:*

22    6732.3. (a) Any person who has received from the board a  
23    ~~registration or~~ license in corrosion, manufacturing, quality, or  
24    safety engineering, and who holds a valid ~~registration or~~ license  
25    ~~to practice professional engineering~~ under this chapter, may  
26    continue to use the branch title of the branch in which the  
27    professional engineer is legally ~~registered~~ *licensed*. A person  
28    holding a ~~registration~~ *license* in corrosion, manufacturing,  
29    quality, or safety engineering is subject to the ~~registration or~~  
30    license renewal provisions of this chapter.

31    (b) The professional engineer also may continue to use the title  
32    of “professional engineer,” “licensed engineer,” “registered  
33    engineer,” or “consulting engineer.”

34    *SEC. 51. Section 6732.5 is added to the Business and*  
35    *Professions Code, to read:*

36    6732.5. (a) *Upon the discontinuance of a national*  
37    *examination for a branch specified in this chapter, the board*  
38    *shall not be required to administer an examination for a license*  
39    *in that branch or be required to issue licenses in that branch.*

1 (b) Any person who has received from the board a license in a  
2 branch for which the national examination is discontinued, and  
3 who holds a valid license to practice professional engineering  
4 under this chapter, may continue to use the branch title of the  
5 branch in which the professional engineer is legally licensed. A  
6 person holding a license in the affected branch of engineering is  
7 subject to the license renewal provisions of this chapter. The  
8 professional engineer may also continue to use the title of  
9 “professional engineer,” “licensed engineer,” or “consulting  
10 engineer.”

11 SEC. 52. Section 6738 of the Business and Professions Code  
12 is amended to read:

13 6738. (a) This chapter does not prohibit one or more civil,  
14 electrical, or mechanical engineers from practicing or offering to  
15 practice within the scope of their ~~registration, license~~ civil  
16 (including geotechnical and structural), electrical, or mechanical  
17 engineering as a sole proprietorship, partnership, firm, or  
18 corporation (hereinafter called business), if all of the following  
19 requirements are met:

20 (1) A civil, electrical, or mechanical engineer currently  
21 ~~registered~~ licensed in this state is an owner, ~~part-owner~~ partner,  
22 or officer in charge of the engineering practice of the business.

23 (2) All civil, electrical, or mechanical engineering  
24 ~~plans, specifications, reports, and documents are prepared~~  
25 ~~services are performed by, or~~ under the responsible charge of, a  
26 ~~registered~~ professional engineer licensed in the appropriate  
27 branch of professional engineering.

28 (3) ~~The~~ If the business name of a California engineering  
29 business ~~shall only contain the~~ contains the full name, first and  
30 last name with or without a middle initial, or the last name of  
31 any person ~~who is registered by the board in a branch of~~  
32 ~~professional engineering, then that person shall be licensed as a~~  
33 professional engineer, a licensed land surveyor, a licensed  
34 architect, or a geologist registered under the Geologist Act  
35 (Chapter 12.5 (commencing with Section 7800)). Any offer,  
36 promotion, or advertisement by the business ~~which that~~ contains  
37 the name of any individual in the business, other than by use of  
38 the name of an individual in the business name, shall clearly and  
39 specifically designate the license or registration discipline of  
40 each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have a ~~part owner~~ *an owner, partner, or officer* who is in charge of the engineering work in the branch in this state, who is ~~registered~~ *licensed* in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of any person not ~~registered~~ *licensed* in this state if that person is appropriately registered *or licensed* in another state. Any offer, promotion, or advertisement which contains the name of any individual in the business, other than by use of the names of the individuals in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

~~(c) A fictitious name may be used for an engineering business if (1) the name does not conflict with paragraph (3) of subdivision (a) requiring that names used in the business name shall be appropriately registered individuals, and (2) an organization record form is filed with the board.~~ *The business name of a California engineering business may be a fictitious name. However, if the fictitious name includes the name of any person, the requirements of paragraph (3) of subdivision (a) shall be met.*

(d) ~~A nonregistered person not licensed under this chapter~~ may also be a ~~part owner~~ *partner* or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. *Nothing in this section shall be construed to permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.*

(e) This chapter does not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering from employing or contracting with a ~~registered~~ *licensed* civil, electrical, or mechanical engineer to perform the respective engineering services incidental to the conduct of business.

(f) This section shall not prevent the use of the name of any business engaged in rendering ~~civil, electrical, or mechanical~~ *professional* engineering services, including the use by any lawful successor or survivor, ~~which~~ *that* lawfully was in



1 existence on December 31, 1987. However, the business is  
2 subject to paragraphs (1) and (2) of subdivision (a), ~~and the~~  
3 ~~business shall file an organization record form with the board as~~  
4 ~~designated by board rule.~~

5 (g) A business engaged in rendering civil, electrical, or  
6 mechanical engineering services may use in its name the name of  
7 a deceased or retired person provided all of the following  
8 conditions are satisfied:

9 (1) The person's name had been used in the name of the  
10 business, or a predecessor in interest of the business, prior to and  
11 after the death or retirement of the person.

12 (2) The person shall have been an owner, ~~part owner~~ *partner*,  
13 or officer of the business, or an owner, ~~part owner~~ *partner*, or  
14 officer of the predecessor in interest of the business.

15 (3) The person shall have been licensed as a professional  
16 engineer, or a land surveyor, or an architect, or a geologist, (A)  
17 by the appropriate licensing board if that person is operating a  
18 place of business or practice in this state, or (B) by the applicable  
19 state board ~~in the event~~ *if* no place of business existed in this  
20 state.

21 (4) The person, if retired, has consented to the use of the name  
22 and does not permit the use of the name in the title of another  
23 professional engineering business in this state during the period  
24 of the consent. However, the retired person may use his or her  
25 name as the name of a new or purchased business if it is not  
26 identical in every respect to that person's name as used in the  
27 former business.

28 (5) The business shall be subject to the provisions of  
29 paragraphs (1) and (2) of subdivision (a).

30 ~~(6) The business files a current organization record form with~~  
31 ~~the board.~~

32 (h) This section does not affect the provisions of Sections  
33 6731.2 and 8726.1.

34 (i) *A current organization record form shall be filed with the*  
35 *board for all business engaged in rendering civil, electrical, or*  
36 *mechanical engineering services.*

37 *SEC. 53. Section 6740 of the Business and Professions Code*  
38 *is amended to read:*

39 6740. A subordinate to a civil, electrical or mechanical  
40 engineer ~~registered~~ *licensed* under this chapter, or a subordinate

1 to a civil, electrical or mechanical engineer exempted from  
2 ~~registration licensure~~ under this chapter, insofar as he *or she* acts  
3 solely in ~~such~~ *that* capacity, is exempt from ~~registration licensure~~  
4 under the provisions of this chapter. This exemption, however,  
5 does not permit any such subordinate to practice civil, electrical  
6 or mechanical engineering in his *or her* own right or to use the  
7 title, “civil engineer” or “structural engineer” or “electrical  
8 engineer” or “mechanical engineer” or “soil engineer.” titles  
9 listed in Sections 6732, 6736, and 6736.1.

10 SEC. 54. Section 6746.1 is added to the Business and  
11 Professions Code, to read:

12 6746.1. The provisions of this chapter pertaining to licensure  
13 of professional engineers, other than civil engineers, do not  
14 apply to employees in the communications industry, nor to the  
15 employees of contractors while engaged in work on  
16 communications equipment. However, those employees may not  
17 use any of the titles listed in Sections 6732, 6736, and 6736.1,  
18 unless licensed.

19 SEC. 55. Section 6750 of the Business and Professions Code  
20 is amended to read:

21 6750. (a) An application for ~~registration licensure~~ as a  
22 professional engineer or certification as an engineer-in-training  
23 shall be made to the board on the prescribed form, with all  
24 statements made therein under oath, and shall be accompanied by  
25 the application fee prescribed by this chapter. An application for  
26 ~~registration licensure~~ as a professional engineer shall specify,  
27 additionally, the branch of engineering in which the applicant  
28 desires ~~registration licensure~~.

29 (b) The board may authorize an organization specified by the  
30 board pursuant to Section 6754 to receive directly from  
31 applicants payment of the examination fees charged by that  
32 organization as payment for examination materials and services.

33 SEC. 56. Section 6753 of the Business and Professions Code  
34 is amended to read:

35 6753. With respect to applicants for ~~registration licensure~~ as  
36 professional engineers, the board:

37 (a) Shall give credit as qualifying experience of four years, for  
38 graduation with an engineering degree from a college or  
39 university the curriculum of which has been approved by the  
40 board.

(b) May at its discretion give credit as qualifying experience up to a maximum of two years, for graduation with an engineering degree from a nonapproved engineering curriculum or graduation with an engineering technology degree in an approved engineering technology curriculum.

(c) May at its discretion give credit as qualifying experience of up to one-half year, for each year of successfully completed postsecondary study in an engineering curriculum up to a maximum of four years credit. A year of study shall be at least 32 semester units or 48 quarter units.

(d) May at its discretion give credit as qualifying experience not in excess of ~~one year~~ five years, for a postgraduate degree in a school of engineering with a board approved *undergraduate or postgraduate* curriculum.

(e) May at its discretion give credit as qualifying experience for engineering teaching, not in excess of one year, if of a character satisfactory to the board.

The sum of qualifying experience credit for subdivision (a) to (e), inclusive, shall not exceed five years.

*SEC. 57. Section 6754 of the Business and Professions Code is amended to read:*

6754. Examination for ~~registration~~ licensure shall be held at such times and places as the board shall determine.

The second division of the examination for all branches specified in Section 6732 shall be administered at least once each year.

Work of the board relating to examination and ~~registration~~ licensure may be divided into committees as the board shall direct. The scope of examinations and the methods of procedure may be prescribed by board rule.

*The board may make arrangements with a public or private organization to conduct the examination. The board may contract with a public or private organization for materials or services related to the examination.*

*SEC. 58. Section 6787 of the Business and Professions Code is amended to read:*

6787. Every person is guilty of a misdemeanor:

(a) Who, unless he or she is exempt from ~~registration~~ licensure under this chapter, practices or offers to practice civil, electrical,

1 or mechanical engineering in this state according to the  
2 provisions of this chapter without legal authorization.

3 (b) Who presents or attempts to file as his or her own the  
4 certificate of ~~registration~~ *licensure* of a licensed professional  
5 engineer unless he or she is the person named on the certificate  
6 of ~~registration~~ *licensure*.

7 (c) Who gives false evidence of any kind to the board, or to  
8 any member thereof, in obtaining a certificate of ~~registration~~  
9 *licensure*.

10 (d) Who impersonates or uses the seal of a licensed  
11 professional engineer.

12 (e) Who uses an expired, suspended, *surrendered*, or revoked  
13 certificate issued by the board.

14 (f) Who represents himself or herself as, or uses the title of, *a*  
15 *licensed or* registered civil, electrical, or mechanical engineer, or  
16 any other title whereby that person could be considered as  
17 practicing or offering to practice civil, electrical, or mechanical  
18 engineering in any of its branches, unless he or she is  
19 correspondingly qualified by ~~registration~~ *licensure* as a civil,  
20 electrical, or mechanical engineer under this chapter.

21 (g) Who, unless appropriately ~~registered~~ *licensed*, manages, or  
22 conducts as manager, proprietor, or agent, any place of business  
23 from which civil, electrical, or mechanical engineering work is  
24 solicited, performed, or practiced, except as authorized pursuant  
25 to subdivision (d) of Section 6738 and Section 8726.1.

26 (h) Who uses the title, or any combination of that title, of  
27 “professional engineer,” “licensed engineer,” “registered  
28 engineer,” or the branch titles specified in Section 6732, or the  
29 authority titles specified in Sections 6736 and 6736.1, or  
30 “engineer-in-training,” or who makes use of any abbreviation of  
31 that title that might lead to the belief that he or she is a ~~registered~~  
32 *licensed* engineer, *is authorized to use the titles specified in*  
33 *Section 6736 or 6736.1,* or holds a certificate as an  
34 engineer-in-training, without being ~~registered~~ *licensed*,  
35 *authorized*, or certified as required by this chapter.

36 (i) Who uses the title “consulting engineer” without being  
37 ~~registered~~ *licensed* as required by this chapter or without being  
38 authorized to use that title pursuant to legislation enacted at the  
39 1963, 1965 or 1968 Regular Session.

40 (j) Who violates any provision of this chapter.

1     *SEC. 59. Section 7000.5 of the Business and Professions*  
2     *Code is amended to read:*

3     7000.5. (a) There is in the Department of Consumer Affairs  
4     a Contractors' State License Board, which consists of 15  
5     members.

6     (b) The repeal of this section renders the board subject to the  
7     review required by Division 1.2 (commencing with Section 473).  
8     However, the review of this board by the department shall be  
9     limited to only those unresolved issues identified by the Joint  
10    Committee on Boards, Commissions, and Consumer Protection.

11    (c) This section shall become inoperative on July 1, ~~2008~~  
12    2009, and, as of January 1, ~~2009~~ 2010, is repealed, unless a later  
13    enacted statute, which becomes effective on or before January 1,  
14    ~~2009~~ 2010, deletes or extends the dates on which it becomes  
15    inoperative and is repealed. The repeal of this section renders the  
16    board subject to the review required by Division 1.2  
17    (commencing with Section 473).

18    *SEC. 60. Section 7011 of the Business and Professions Code*  
19    *is amended to read:*

20    7011. The board, by and with the approval of the director,  
21    shall appoint a registrar of contractors and fix his or her  
22    compensation.

23    The registrar shall be the executive officer and secretary of the  
24    board and shall carry out all of the administrative duties as  
25    provided in this chapter and as delegated to him or her by the  
26    board.

27    For the purpose of administration of this chapter, there may be  
28    appointed a deputy registrar, a chief reviewing and hearing  
29    officer, and, subject to Section 159.5, other assistants and  
30    subordinates as may be necessary.

31    Appointments shall be made in accordance with the provisions  
32    of civil service laws.

33    This section shall become inoperative on July 1, ~~2008~~ 2009,  
34    and, as of January 1, ~~2009~~ 2010, is repealed, unless a later  
35    enacted statute, which becomes effective on or before January 1,  
36    ~~2009~~ 2010, deletes or extends the dates on which it becomes  
37    inoperative and is repealed.

38    ~~SEC. 40.~~

39    *SEC. 61. Section 7200 of the Business and Professions Code*  
40    *is amended to read:*

1       7200. (a) There is in the Department of Consumer Affairs a  
2 State Board of Guide Dogs for the Blind in whom enforcement of  
3 this chapter is vested. The board shall consist of seven members  
4 appointed by the Governor. One member shall be the Director of  
5 Rehabilitation or his or her designated representative. The  
6 remaining members shall be persons who have shown a  
7 particular interest in dealing with the problems of the blind, and  
8 at least two of them shall be blind persons who use guide dogs.

9       (b) This section shall become inoperative on July 1, 2011, and,  
10 as of January 1, 2012, is repealed, unless a later enacted statute,  
11 which becomes effective on or before January 1, 2012, deletes or  
12 extends the dates on which it becomes inoperative and is  
13 repealed.

14       ~~SEC. 41.~~

15       *SEC. 62.* Section 7215.6 of the Business and Professions  
16 Code is amended to read:

17       7215.6. (a) In order to provide a procedure for the resolution  
18 of disputes between guide dog users and guide dog schools  
19 relating to the continued physical custody and use of a guide dog,  
20 in all cases except those in which the dog user is the  
21 unconditional legal owner of the dog, the following arbitration  
22 procedure shall be established as a pilot project.

23       (b) This procedure establishes an arbitration panel for the  
24 settlement of disputes between a guide dog user and a licensed  
25 guide dog school regarding the continued use of a guide dog by  
26 the user in all cases except those in which the dog user is the  
27 unconditional legal owner of the dog. The disputes that may be  
28 subject to this procedure concern differences between the user  
29 and school over whether or not a guide dog should continue to be  
30 used, differences between the user and school regarding the  
31 treatment of a dog by the user, and differences over whether or  
32 not a user should continue to have custody of a dog pending  
33 investigation of charges of abuse. It specifically does not address  
34 issues such as admissions to schools, training practices, or other  
35 issues relating to school standards. The board and its  
36 representative are not parties to any dispute described in this  
37 section.

38       (c) The licensed guide dog schools in California and the board  
39 shall provide to guide dog users graduating from guide dog  
40 programs in these schools a new avenue for the resolution of

1 disputes that involve continued use of a guide dog, or the actual  
2 physical custody of a guide dog. Guide dog users who are  
3 dissatisfied with decisions of schools regarding continued use of  
4 guide dogs may appeal to the board to convene an arbitration  
5 panel composed of all of the following:

- 6 (1) One person designated by the guide dog user.
- 7 (2) One person designated by the licensed guide dog school.
- 8 (3) A representative of the board who shall coordinate the  
9 activities of the panel and serve as chair.

10 (d) If the guide dog user or guide dog school wishes to utilize  
11 the arbitration panel, this must be stated in writing to the board.  
12 The findings and decision of the arbitration panel shall be final  
13 and binding. By voluntarily agreeing to having a dispute resolved  
14 by the arbitration panel and subject to its procedures, each party  
15 to the dispute shall waive any right for subsequent judicial  
16 review.

17 (e) A licensed guide dog school that fails to comply with any  
18 provision of this section shall automatically be subject to a  
19 penalty of two hundred fifty dollars (\$250) per day for each day  
20 in which a violation occurs. The penalty shall be paid to the  
21 board. The license of a guide dog school shall not be renewed  
22 until all penalties have been paid.

23 The fine shall be assessed without advance hearing, but the  
24 licensee may apply to the board for a hearing on the issue of  
25 whether the fine should be modified or set aside. This application  
26 shall be in writing and shall be received by the board within 30  
27 days after service of notice of the fine. Upon receipt of this  
28 written request, the board shall set the matter for hearing within  
29 60 days.

30 (f) As a general rule, custody of the guide dog shall remain  
31 with the guide dog user pending a resolution by the arbitration  
32 panel. In circumstances where the immediate health and safety of  
33 the guide dog user or guide dog is threatened, the licensed school  
34 may take custody of the dog at once. However, if the dog is  
35 removed from the user's custody without the user's concurrence,  
36 the school shall provide to the board the evidence that caused this  
37 action to be taken at once and without fail; and within five  
38 calendar days a special committee of two members of the board  
39 shall make a determination regarding custody of the dog pending  
40 hearing by the arbitration panel.

(g) The arbitration panel shall decide the best means to determine final resolution in each case. This shall include, but is not limited to, a hearing of the matter before the arbitration panel at the request of either party to the dispute, an opportunity for each party in the dispute to make presentations before the arbitration panel, examination of the written record, or any other inquiry as will best reveal the facts of the disputes. In any case, the panel shall make its findings and complete its examination within 45 calendar days of the date of filing the request for arbitration, and a decision shall be rendered within 10 calendar days of the examination.

All arbitration hearings shall be held at sites convenient to the parties and with a view to minimizing costs. Each party to the arbitration shall bear its own costs, except that the arbitration panel, by unanimous agreement, may modify this arrangement.

(h) The board may study the effectiveness of the arbitration panel pilot project in expediting resolution and reducing conflict in disputes between guide dog users and guide dog schools and may share its findings with the Legislature upon request.

(i) This section shall cease to be operative on July 1, 2011, and as of January 1, 2012, is repealed, unless a later enacted statute, which is enacted before January 1, 2012, deletes or extends that date.

~~SEC. 42.~~

*SEC. 63.* Section 7810 of the Business and Professions Code is amended to read:

7810. The Board for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. Except as provided in this section, the board shall consist of eight members, five of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist.

Each member shall hold office until the appointment and qualification of the member's successor or until one year has elapsed from the expiration of the term for which the member was appointed, whichever occurs first. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the remainder of the unexpired term.

Each appointment shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term



1 expired. No person shall serve as a member of the board for more  
2 than two consecutive terms.

3 The Governor shall appoint three of the public members and  
4 the three members qualified as provided in Section 7811. The  
5 Senate Committee on Rules and the Speaker of the Assembly  
6 shall each appoint a public member, and their initial appointment  
7 shall be made to fill, respectively, the first and second public  
8 member vacancies that occurred on or after January 1, 1983.

9 At the time the first vacancy is created by the expiration of the  
10 term of a public member appointed by the Governor, the board  
11 shall be reduced to consist of seven members, four of whom shall  
12 be public members, two of whom shall be geologists, and one of  
13 whom shall be a geophysicist. Notwithstanding any other  
14 provision of law, the term of that member shall not be extended  
15 for any reason, except as provided in this section.

16 This section shall become inoperative on July 1, 2009, and, as  
17 of January 1, 2010, is repealed, unless a later enacted statute, that  
18 becomes operative on or before January 1, 2010, deletes or  
19 extends the dates on which it becomes inoperative and is  
20 repealed. The repeal of this section renders the board subject to  
21 the review required by Division 1.2 (commencing with Section  
22 473).

23 ~~SEC. 43.~~

24 *SEC. 64.* Section 7815.5 of the Business and Professions  
25 Code is amended to read:

26 7815.5. The board may appoint a person exempt from civil  
27 service who shall be designated as an executive officer and who  
28 shall exercise the powers and perform the duties delegated by the  
29 board and vested in him or her by this chapter.

30 This section shall become inoperative on July 1, 2009, and, as  
31 of January 1, 2010, is repealed, unless a later enacted statute,  
32 which becomes effective on or before January 1, 2010, deletes or  
33 extends the dates on which it becomes inoperative and is  
34 repealed.

35 ~~SEC. 44.~~

36 *SEC. 65.* Section 8000 of the Business and Professions Code  
37 is amended to read:

38 8000. There is in the Department of Consumer Affairs a  
39 Court Reporters Board of California, which consists of five  
40 members, three of whom shall be public members and two of

1 whom shall be holders of certificates issued under this chapter  
2 who have been actively engaged as shorthand reporters within  
3 this state for at least five years immediately preceding their  
4 appointment.

5 This section shall become inoperative on July 1, 2009, and, as  
6 of January 1, 2010, is repealed, unless a later enacted statute,  
7 which becomes effective on or before January 1, 2010, deletes or  
8 extends the dates on which it becomes inoperative and is  
9 repealed.

10 *SEC. 66. Section 8710 of the Business and Professions Code*  
11 *is amended to read:*

12 8710. (a) The Board for Professional Engineers and Land  
13 Surveyors is vested with power to administer the provisions and  
14 requirements of this chapter, and may make and enforce rules  
15 and regulations that are reasonably necessary to carry out its  
16 provisions.

17 (b) The board may adopt rules and regulations of professional  
18 conduct that are not inconsistent with state and federal law. The  
19 rules and regulations may include definitions of incompetence  
20 and negligence. Every person who holds a license or certificate  
21 issued by the board pursuant to this chapter, or a license or  
22 certificate issued to a civil engineer pursuant to Chapter 7  
23 (commencing with Section 6700), shall be governed by these  
24 rules and regulations.

25 (c) This section shall become inoperative on July 1, ~~2008~~  
26 ~~2011~~, and, as of January 1, ~~2009~~ 2012, is repealed, unless a later  
27 enacted statute, which becomes effective on or before January 1,  
28 ~~2009~~ 2012, deletes or extends the dates on which it becomes  
29 inoperative and is repealed. The repeal of this section shall render  
30 the board subject to the review required by Division 1.2  
31 (commencing with Section 473).

32 *SEC. 67. Section 8729 of the Business and Professions Code*  
33 *is amended to read:*

34 8729. (a) This chapter does not prohibit one or more licensed  
35 land surveyors or civil engineers ~~registered~~ *licensed* in this state  
36 prior to 1982 (hereinafter called civil engineers) from practicing  
37 or offering to practice within the scope of their licensure, land  
38 surveying as a sole proprietorship, partnership, firm, or  
39 corporation (hereinafter called business), if the following  
40 conditions are satisfied:

1 (1) A land surveyor or civil engineer currently licensed in the  
2 state is an owner, ~~part owner~~ *partner*, or officer in charge of the  
3 land surveying practice of the business.

4 (2) ~~All maps, plats, reports, descriptions, or other documents~~  
5 ~~are prepared~~ *land surveying services are performed by or under*  
6 the responsible charge of a land surveyor or civil engineer.

7 (3) ~~The~~ *If the* business name of a California *land surveying*  
8 ~~business shall only contain~~ *contains* the full name, first and last  
9 *name with or without a middle initial, or the last* name of a  
10 person, *then that person shall be* licensed by the board as a land  
11 surveyor or registered by the board in any year as a civil  
12 engineer. Any offer, promotion, or advertisement by the business  
13 ~~which that~~ contains the name of any individual in the business,  
14 other than by use of the name of the individual in the business  
15 name, shall clearly and specifically designate the license ~~or~~  
16 ~~registration~~ discipline of each individual named.

17 (b) An out-of-state business with a branch office in this state  
18 shall meet the requirements of subdivision (a) and shall have ~~a~~  
19 ~~part owner~~ *an owner, partner,* or officer who is in charge of the  
20 land surveying work in this state, who is licensed in this state,  
21 and who is physically present at the branch office in this state on  
22 a regular basis. However, the name of the business may contain  
23 the name of a person not licensed in this state, if that person is  
24 appropriately licensed *or registered* in another state. Any offer,  
25 promotion, or advertisement ~~which that~~ contains the name of any  
26 individual in the business, other than by use of the name of the  
27 individual in the business name, shall clearly and specifically  
28 designate the license or registration discipline of each individual  
29 named.

30 (c) ~~A fictitious name may be used for a land surveying~~  
31 ~~business if (1) the name does not conflict with the provisions of~~  
32 ~~paragraph (3) of subdivision (a) requiring that a name used in the~~  
33 ~~business name shall be that of an appropriately licensed~~  
34 ~~individual, and (2) an organization record is filed with the~~  
35 ~~board~~ *The business name of a California land surveying business*  
36 *may be a fictitious name. However, if the fictitious name includes*  
37 *the names of any person, the requirements of paragraph (3) of*  
38 *subdivision (a) shall be met.*

39 (d) A ~~nonregistered~~ *person not licensed under this chapter or*  
40 *licensed as a civil engineer in this state prior to 1982* may also

1 be a ~~part-owner~~ *partner* or an officer of a land surveying business  
2 if the conditions of subdivision (a) are satisfied. *Nothing in this*  
3 *section shall be construed to permit a person who is not licensed*  
4 *under this chapter or licensed as a civil engineer in this state*  
5 *prior to 1982 to be the sole owner or office of a land surveying*  
6 *business, unless otherwise exempt under this chapter.*

7 (e) This chapter does not prevent an individual or business  
8 engaged in any line of endeavor, other than the practice of land  
9 surveying, from employing or contracting with a licensed land  
10 surveyor or a ~~registered~~ *licensed* civil engineer to perform the  
11 respective land surveying services incidental to the conduct of  
12 business.

13 (f) This section shall not prevent the use of the name of any  
14 business engaged in rendering land surveying services, including  
15 the use by any lawful successor or survivor, ~~which~~ *that* lawfully  
16 was in existence on June 1, 1941. However, the business is  
17 subject to the provisions of paragraphs (1) and (2) of subdivision  
18 (a) ~~and the business shall file an organization record form with~~  
19 ~~the board as designated by board rule.~~

20 (g) A business engaged in rendering land surveying services  
21 may use in its name the name of a deceased or retired person if  
22 the following conditions are satisfied:

23 (1) The person's name had been used in the name of the  
24 business, or a predecessor in interest of the business, prior to the  
25 death or retirement of the person.

26 (2) The person shall have been an owner, ~~part-owner~~ *partner*,  
27 or officer of the business, or an owner, ~~part-owner~~ *partner*, or  
28 officer of the predecessor in interest of the business.

29 (3) The person shall have been licensed as a land surveyor or a  
30 civil engineer by the board, if operating a place of business or  
31 practice in this state, or by an applicable state board in the event  
32 no place of business existed in this state.

33 (4) The person, if retired, has consented to the use of the name  
34 and does not permit the use of the name in the title of another  
35 land surveying business in this state during the period of that  
36 consent, except that a retired person may use his or her name as  
37 the name of a new or purchased business, if that business is not  
38 identical in every respect to that person's name as used in the  
39 former business.

1 (5) The business shall be subject to paragraphs (1) and (2) of  
2 subdivision (a).

3 ~~(6) The business files a current organization record form with~~  
4 ~~the board.~~

5 (h) This section does not affect Sections 6731.2 and 8726.1.

6 (i) *A current organization record form shall be filed with the*  
7 *board for all businesses engaged in rendering professional land*  
8 *surveying services.*

9 *SEC. 68. Section 8740 of the Business and Professions Code*  
10 *is amended to read:*

11 8740. (a) An application for each division of the examination  
12 for a license as a land surveyor shall be made to the board on the  
13 form prescribed by it, with all statements therein made under  
14 oath, and shall be accompanied by the application fee fixed by  
15 this chapter.

16 (b) *The board may authorize an organization specified by the*  
17 *board pursuant to Section 8747 to receive directly from*  
18 *applicants payment of the examination fees charged by that*  
19 *organization as payment for examination materials and services.*

20 *SEC. 69. Section 8745 of the Business and Professions Code*  
21 *is amended to read:*

22 8745. Examinations for license shall be held at such times  
23 and at such places within the State as determined by board rule.

24 ~~The examinations may be conducted by one or more members~~  
25 ~~of the board or one or more of their duly authorized~~  
26 ~~representatives.~~

27 The scope of examinations and the method of procedure shall  
28 be prescribed by board rule.

29 *The board may make arrangements with a public or private*  
30 *organization to conduct the examination. The board may*  
31 *contract with a public or private organization for materials or*  
32 *services related to the examination.*

33 ~~SEC. 45.~~

34 *SEC. 70.* No reimbursement is required by this act pursuant  
35 to Section 6 of Article XIII B of the California Constitution  
36 because the only costs that may be incurred by a local agency or  
37 school district will be incurred because this act creates a new  
38 crime or infraction, eliminates a crime or infraction, or changes  
39 the penalty for a crime or infraction, within the meaning of  
40 Section 17556 of the Government Code, or changes the

- 1 definition of a crime within the meaning of Section 6 of Article
- 2 XIII B of the California Constitution.

O